

Message Text

CONFIDENTIAL

PAGE 01 KHARTO 02510 201101Z

14

ACTION AF-18

INFO OCT-01 EUR-25 NEA-10 ISO-00 CIAE-00 DODE-00 PM-07

H-03 INR-10 L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01

SPC-03 SS-20 USIA-15 ACDA-19 IO-14 AID-20 SY-10 SCA-01

DRC-01 /196 W

----- 038060

R 191240Z NOV 73

FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC 7382

INFO AMEMBASSY BRUSSELS

UZEMBASSY AMMAN 180

AMEMBASSY BEIRUT

C O N F I D E N T I A L KHARTOUM 2510

C O R R E C T E D C O P Y PARA 1 LINE 1 AND PARA 2 LINE 1 (DATES)

E.O. 11652: GDS

TAGS: PINS SU

SUBJ: KHARTOUM ASSASSINATIONS: MAGISTERIAL INQUIRY

REF: KHARTOUM 2480

1. BEGIN SUMMARY. MAGISTRATE RULES NOVEMBER 17 DEFENDANTS MAY ADDRESS COURT DIRECTLY. DEFERS RULING ON SUMMARY VS. NON-SUMMARY PROCEDURE. TERRORISTS MAKE POLITICAL STATEMENT WHICH INTER ALIA ADMITS THEIR LINK TO PLO AND CHALLENGES COURT JURISDICTION. DEFENSE ATTORNEYS REQUEST TIME RECAST LACK OF JURISDICTION CLAIM INTO LEGAL STATEMENT. NEXT SESSION SCHEDULED NOV. 24. ACTION REQUESTEDC INFO ON PRINCIPLES AND PRECEDENTS UNDER INTER-NATIONAL LAW WHICH SUPPORT CONTENTION THAT HOST LATE RETAINS JURISDICTION OVER CRIMES COMMITTED WITHIN A FOREIGN EMBASSY. END SUMMARY.

2. THE PROCEEDINGS. MAGISTERIAL INQUIRY CONVENED NOV. 17
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 KHARTO 02510 201101Z

FOLLOWING MAGISTRATE CONSIDERATION (A) SUMMARY VS.

NON-SUMMARY FORM OF PROCEDURE, AND (B) RIGHT OF DEFENDANT ADDRESS COURT DIRECTLY. MAGISTRATE ANNOUNCED DECISION ON

FIRST ITEM DEFERRED, BUT DECIDED POSITIVELY ON RIGHT OF ACCUSED ADDLNSS COURT. LEGAL BASIS DECISION IS THAT DEFENSE COUNSEL ONLY AGENT OF ACCUSED (THE PRINCIPAL) AND PRINCIPAL MAY PREEMPT AGENT.

3. TERRORIST STATEMENT. TERRORIST LEADER RIDZIK QAS SUBSEQUENTLY READ DISTRIE AGAINST US AND BELGIUM (ALSO JORDAN) IN WHICH HE SAID NOEL/MOORE WERE CIA AGENTS RESPONSIBLE FOR 25,000 FEDAYEEN DEATHS IN JORDAN AND SYRIA, BELGIAN CHARGE INVOLVED IN ARMS SMUGGLING TO EOUTH, JORDAN "COOPERATING" WITH ISRAEL, PLO WHICH IS INTERM TIONALLY RECOGNIZED BODY INSTRUCTED THEM TO CARRY OUT THE ACT, ALL ARAB GOVERNMENTS APPROVED USE OF FORCE TO RECOVER PALESTINE, THEY SHOULD HAVE BEEN RELEASED ON OCT. 16 TO JOIN THE "FRONT" AND SUDANESE COURTS LACKS JURISDICTION. HE ALSO SAID TERRORISTS BELIEVE ANY "TRIAL" WAS TO HAVE BEEN IN BASIS THEIR RETURN TO PLO WHO WOULD "JUDGE" WHETHER OR NOT THEY HAD DONE THEIR "DUTY". THEY HAD THUS BEEN WRONGLY DETAINED IN SUDAN FOR AN EXTENDED PERIOD. AT CONCLUSION, DEFENSE COUNSEL NOTED IT WISHED CLAIMS ON LACK JURISDICTION PUT INTO LEGAL FORM FOR MAGISTRATE CONSIDERATION. SUBSEQUENT DISCUSSION IN CHAMBERS RESULTED IN DECISION ADJOURN SESSION TO NOV. 24 IN ORDER PERMIT DEFENSE PREPARE ITS COMMENTS AND DISTRIBUTE TO MAGISTRATE AND PROSECUTION.

4. LEGAL COMMENTCKMEMB ATTOGWEY STATES DECISION PERMIT DEFENDANTS ADDRESS COURT IS UNUSUAL AND FIRST INSTANCE TO HAVE OCCURRED IN HIS LEGAL CAREER (WHICH SPANS TERMS AS ATTORNEY GENERAL AS WELL AS SUPREME COURT JUSTICE). HOWEVER, HE BELIEVE MAGISTRATE'S DECISION CAN BE CONSIDERED LEGALLY VALID. (WE HAVE OBTAINED WRITTEN COPY DECISION WHICH WILL BE POUCHED AF/L.

5. ATMOSPHERE. IN WHAT IS NOW BECOMING RITUAL, TERRORISTS ENTERED COURTROOM SHOUTING SLOGANS. NO REACTION FROM AUDIENCE. WE UNDERSTAND RELATIONS BETWEEN TERRORISTS CONFIDENTIAL

CONFIDENTIAL

PAGE 03 KHARTO 02510 201101Z

AND DEFENSE COUNSEL CONTINUE DETERIORATE WITH FORMER DISTRUSTING AND ABUSIVE TOWARD SUDANESE ATTORNEYS. SOME INDICATIONS THAT DEFENSE IS NOT INFORMED IN ADVANCE OF RIDZIK'S PROPOSED ACTIONS AND HAS ADOPTED A DE FACTO DIVISION OF LABOR WHEREBY DEFENSE MAKES LEGAL COMMENT AND RIDZIK PERFORMS POLITICAL POLEMICS. MAGISTRATE REPORTEDLY ALSO INCENSED AT ACCUSED BEHAVIOR BUT FEELS HE MUST NOT BE GOADED INTO A HARSH ACT WHICH COULD CREATE

POLITICAL INCIDENT WHICH TERRORISTS APPARENTLY SEEKING TO PROVOKE.

6.

NEXT STEPS. EMB ATTORNEY PREDICTS NOV. 24 SESSION WILL BE BRIEF AND PROBABLY FOLLOWED BY ADJOURNMENT TO PERMIT PROSECUTION AND MAGISTRATE STUDY QUESTION OF JURISDICTION. DEFENSE EXPECTED CLAIM (IN ADDITION ANY REFERENCES TO PLO/"STATUS") THAT SINCE ACT WAS COMMITTED WITHIN SAUDI ARABIAN EMBASSY, IT NOT SUBJECT SUDANESE JURISDICTION. LITTLE DOUBT CLAIM WILL BE REJECTED. (ALONG THAT LINE, PRESIDENT NIMEIRI IN HIS MARCH 6 ADDRESS POSSIBLY ANTICIPATED CLAIM BY STATING "...SLAUGHTER AT SAUDI ARABIAN EMBASSY IS OVER. IT WAS AN OUT-AND-OUT CRIME COMMITTED ON SUDANESE SOIL WHICH SUDANESE LAW WILL PUNISH ACCORDING TO OUR JUSTICE". ACTION REQUESTED: EMB WOULD APPRECIATE TELEGRAPHIC SUMMARY ((:43*ERABLY PRIOR NOV. 24) OF INTERNATIONAL LAW DECISIONS AND PRECEDENTS WHICH WOULD SUPPORT CONTENTION THAT A STATE RETAINS JURISDICTION OVER CRIMES COMMITTED WITHIN FOREIGN EMBASSY DESPITE SOVEREIGN IMMUNITY. WE INTEND MAKE INFO INFORMALLY AVAILABLE OUR ATTORNEY.

7. COMMENT: RIDZIK'S PUBLIC CITATION MURDERS CARRIED OUT UNDER PLO AUSPICES CONTRAVENES PLO STATEMENTS EARLIER THIS YEAR THAT PLO NOT INVOLVED (KHARTOUM 591 AND 603). ASSUME THIS ARGUMENT ADVANCED TO STRENGTHEN TERRORIST CONTENTION THEY REPRESENT "INTERNATIONALLY RECOGNIZED BOYD". BREWER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PARAMILITARY FORCES, INTERNATIONAL LAW, ASSASSINATION, TRIALS, ARMS SMUGGLING, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 19 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: collinp0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973KHARTO02510
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: KHARTOUM
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731126/aaaaassg.tel
Line Count: 143
Locator: TEXT ON-LINE
Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: KHARTOUM 2480
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 06 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <24-Oct-2001 by willialc, 3.4.X6>; RELEASED <06 MAR 2002 by collinp0>; APPROVED <06 MAR 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: KHARTOUM ASSASSINATIONS: MAGISTERIAL INQUIRY
TAGS: PINS, SU, PLO
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005